



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,796	08/03/2004	Kevin Koch	43576.830008US1	4795
26582	7590	04/16/2009		
HOLLAND & HART, LLP P.O BOX 8749 DENVER, CO 80201			EXAMINER DEBROW, JAMES J	
			ART UNIT	PAPER NUMBER
			2176	
			MAIL DATE	DELIVERY MODE
			04/16/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address : COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10710796	8/3/2004	KOCH ET AL.	43576.830008US1

HOLLAND & HART, LLP
P.O BOX 8749
DENVER, CO 80201

EXAMINER

JAMES J. DEBROW

ART UNIT	PAPER
----------	-------

2176	20090410
------	----------

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

In response to the order of Board of Patent Appeals and Interference dated 26 Feb. 2009, Appellant has corrected the error mentioned therein regarding cancelled claim 20.

Regarding section 9, Grounds of Rejection, of the Examiner's Answer, the Examiner notes that a typographical error was inadvertently made in the header of the 35 USC 102 claim rejections, in which cancelled claim 20 was included within the header of the rejection. However cancelled claim 20 is not considered within the actual rejection. The Examiner has made note of this typographical error as to avoid any confusion that may or may not occur to the Honorable Board of Patent Appeals and Interference.

The Examiner's also notes that Appellant has amended the previously submitted arguments (Appeal Brief dated 1/3/2008) (see pages 6-7 of current Appeal Brief) in response to the Examiner's previous response to arguments (Examiner Answer dated 4/11/2008) of the previously submitted Appeal Brief. However the Examiner notes that Appellant's amended remarks/arguments are irrelevant as to what is "recited"/"claimed" in the limitation. Therefore the Examiner is not persuaded to change his previous position concerning the rejection.